

GOVERNMENT OF TELANGANA
ABSTRACT

Tribal Welfare Department – Hyderabad District – Appeal Petition filed by Sri V.Chinna Muthyam, S/o: Late Muthaiah, Occ: Record Assistant, Public Libraries, Chikkadpally, Hyderabad, under Section 7(2) of the Act 16 of 1993, against the orders of the District Collector, Hyderabad issued in Proceedings No.C1/3056/2016, dated 13.01.2020 – Appeal Dismissed - Orders – Issued.

TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No. 15

Dated: 07-06-2023

Read the following:-

1. Procgs.No.C1/3056/2016, dated 13.01.2020 of the Collector & District Magistrate, Hyderabad District.
2. Appeal Petition filed by Sri V.Chinna Muthyam, S/o: Late Muthaiah, Occ: Record Assistant Public Libraries, Chikkadpally, Hyderabad, R/o. H.No.3-60-112/1/B/1, Ram Reddy Nagar, Ramanthapur, Hyderabad dated 04.03.2020.
3. Govt. Memo.No.436/TW.LTR/2020, dated 11.06.2020.
4. Orders of the Hon'ble High Court in WP.No.7399 of 2020, dated 01.06.2020.
5. Orders of the Hon'ble High Court in WP.No.15440/2020, dated 11.09.2020.
6. From the Collector, Hyderabad District, letter No.C1/DLSC/683/ 2020, dated 14.08.2020.
7. Govt. Notice No.436/TW.LTR/2020, dated 23.09.2020.
8. Written arguments submitted by the Counsel for the Petitioner, dated 06.10.2020.
9. Orders of the Hon'ble High Court in WP.No.15440/2020, dated 07.02.2023.

ORDER:

In the reference 1st read above, the Collector & District Magistrate, Hyderabad District in his Procgs.No.C1/3056/2016, dated 13.01.2020 had cancelled the ST-Yanadi Certificate of the Appellant Sri V.Chinna Muthyam, S/o: Late Muthaiah, Occ: Record Assistant Public Libraries, Chikkadpally, Hyderabad, obtained fraudulently from the Tahsildar, Amberpet bearing No.C/797/98, dated 17.03.1998. The gist of the cancellation orders is as follows:

- Sri K.Venkata Narayana, State President, Jana Samkshema Sangam has filed a complaint dated 19.8.2016 in respect of caste certificate obtained by Sri V.Chinna Muthyam, Department of Public Libraries, Ashoknagar, Hyderabad City and represented that he is claiming false Scheduled Tribe Yanadi Community and he originally belongs to BC-A Mandula Community.
- The Commissioner of Tribal Welfare in Lr.Rc.No.1111/2016/TRI/TSV/VC-7, dated 7.3.17 reported that the candidate has attended for enquiry before the Director, TCR&TI and furnished genealogical and ethnographic information in respect of his community and also produced community certificate bearing No.C/797/98, dated 07.03.1998 issued by MRO, Amberpet Mandal and Certificate bearing No.CND021606994970, dated 27.12.2016 issued by Tahsildar, Uppal, Medchal District as belonging to ST Yenadis as documentary evidence in respect of his claim.
- The Commissioner of Tribal Welfare informed that the traditional habitation of Yanadi Tribe is Nellore, Chittoor, Guntur, Krishna, Kadapa and Prakasham Districts. Sri V.Chinna Muthyam in this statement stated that his parents migrated from Bapatla, Guntur District but could not adduce any documentary evidence. Further Sri V.Chinna Muthyam married Jalli Lakshmi D/o JalliChinna who is a native of

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Suryapet and his elder son Ventedhu Shiva married Singajogi Maheshwari D/o Singajogi Mallesh who is a native of Karimnagar which are not traditional habitats of Yanadi Tribes. As there is prima facie doubt about the social status of Sri V.Chinna Muthyam, requested to cause detailed enquiry by placing the matter before the DLSC.

- The Tahsildar, Amberpet in his letter in No.C/483/17, dated 25.5.2017 stated that the local people of Mandula Basthi, Bagh Amberpet, who are well known to the above person have informed that Sri V.Chinna Muthyam belongs to BC-A Mandula caste. The people who have surname Votendula popularly belong to BC-A Mandula caste. As per school records, his caste is mentioned as ST-Yanadi. Sri T.NarsingRao, VRO of their office who resides near Mandula Basthi, Amberpet is well known to the individual and stated that Sri V.Chinna muthyam belong to BC-A Mandula caste.
- The Counsel for Respondent submitted that Sri V.Chinna Muthyam was appointed on the basis of ST Certificate issued in the year 1999 only after the authorities got convinced that he belongs to ST-Yanadi and moreover on the date of appointment of the individual, the erstwhile Andhra Pradesh State was in existence and the caste claimed by his client was applicable to the whole State and hence the existence of claimed community or its non-existence in the present State of Telangana is immaterial. As such, he contended that Sri K.Venkata Narayana of Jan Samkshema Sangam has no locus standi to challenge the appointment of Sri V.Chinna Muthyamin the year 1999 claiming that the said Community doesn't exist in Telangana State. But, the counsel failed to submit any documentary proof or evidence of their migration from Guntur District and that they belong to Yanadi Tribe.
- After conducting hearings, the DLSC gave findings that Sri V.Chinna Muthyam, Record Assistant has obtained ST Yanadi Certificate fraudulently and entered into Government service on the guise of the said certificate. Sri V.Chinna Muthyam, Record Assistant could not establish his ancestors migrated from Bapatla of Guntur District. The School record cannot be taken as a basis for determining the caste of an individual. A local enquiry conducted by the Tahsildar, Amberpet Mandal also reveals that he belongs to BC-A Mandula community. The committee agreed with the findings of the Commissioner of Tribal Welfare dated 7.3.2017. Therefore, the DLSC has recommended for cancellation of his ST Yanadi Caste Certificate bearing No.C/797/98, dated 17.03.1998 issued by the Mandal Revenue Officer, Amberpet Mandal as it was obtained with a malafide intention for availing reservation benefit.
- In reply to the show cause notice No.Rev.C1-CAST-3/2017-1, dated 14.07.2017, Sri V.Chinna Muthyam has submitted explanation on 10.08.2017 stating that the Tahsildar, Amberpet has issued caste certificate in the year 1999 as ST Yanadi after due verification only and in their school records their caste is mentioned as ST. That, his ancestors migrated from Guntur District to Hyderabad about 200 years back and settled herein and not having touch/relationships from Andhra area now.
- The DLSC has not referred to protection of civil rights vigilance cell which should investigate the social status, the DLSC shall compare reports of Revenue Department furnished by Dist. Collector, the reports of protection of civil rights vigilance cell and the reports of the expert or officer of the Research organization of the Commissionerate of Social/Tribal Welfare and then only finalise the findings whether the community, nativity etc. certificates given are genuine. The Commissioner TW report and DLSC report are one sided and requested to allow the witnesses.

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- Another notice dated 19.02.2019 was issued to Sri V.Chinna Muthyam and State Jana Samkshema Sangham to provide any additional evidences, if available.
- Sri V.ChinnaMuthyamhad submitted the following reply:
 - Commissioner, Tribal Welfare enquiry was one sided, not done properly and till today proceedings not furnished. The alleged enquiry by Tahsidar, Amberpet was an arm chair exercise and that Surname Vontedu is popularly known in Mandula community, is false and liable to be rejected.
 - The Hon'ble Supreme Court has laid down the procedure and guidelines in the case of Kum.Madhuri Patil Vs Govt. of Maharashtra, 1994 in Civil Appeal No.5854 and it was laid down that all the State Governments shall constitute a committee of 3 officers namely 1. Addl.Secretary or any officer higher in rank to the Director of the concerned Dept. 2. Director, SW/TW/BC Welfare as the case may be. 3. In case of SCs, another officer who has intimate knowledge in the verification and issuance of the social status certificates. In the case of STs, the research officer who has intimate knowledge in identifying the tribes, tribal community.
 - People who had investigated his caste are not acquainted with the tribal customs; they cannot identify the tribes, tribal communities. Hence, a grave injustice and irreparable loss will be caused to him which cannot be compensated at any cost and further he is an illiterate person unaware of the procedures and cannot understand the mechanical questions put forward to him.
 - DLSC stated that the contentions raised by Sri V.Sailu are not tenable as per the following findings:
 - Copy of CTW report Rc.No.111/2016/TRI/TSV/VC-7, dated 07.03.2017 furnished to him vide Memo dated 4.7.2019, but no documentary evidence produced by him.
 - In compliance to the orders of the Hon'ble Supreme Court in the case of Kum.Madhuri Patil Vs Govt. of Maharashtra, 1994 in Civil Appeal No.5854 (judgement given on 02.09.1994), the Government has issued orders in GO Ms.No.58, SW (J) Dept. dated 12.05.1997 formulating AP (SCs, STs & BCs) issue of Community, Nativity and Date of Birth Certificates Rules, 1997 and ordered to form DLSC under the Chairmanship of Joint Collector. Hence, orders of the Hon'ble Supreme Court are complied.
 - As per Rule 8 (7) of the Rules, 1997 "the scrutiny committee shall examine the report of enquiry conducted by the Revenue Department furnished to it by the competent authority. It may also obtain expert opinion From the Commissionerate of Social Welfare/Tribal Welfare through the officers of the research organizations of these commissionerates who are the members of the scrutiny committee, if deemed necessary". These enquiry reports may be compared and then recommendations of the scrutiny committee may be finalized as to whether the community claim of that applicant is found to be false or genuine".

As per the above sections, a local enquiry report has been obtained from the Tahsildar and the Commissioner of Tribal Welfare vide Rc.No.1111/2016/TRI/TSV/VC-7, dated 07.03.2017 has informed that there is prima facie

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doubt about the social status of Sri V.Chinna Muthyam as belonging to Yanadi Tribe and requested to place the matter before the DLSC.

Since the report is submitted by the Commissioner of Tribal Welfare, the contention of Sri V.Chinna Muthyam that the people who had investigated his case are not acquainted with the tribal customs, they cannot identify the tribes, tribal communities is not correct.

- As per rule 9 (3) of the above Rules, the scrutiny committee shall cause enquiry by the Protection of Civil Rights/Vigilance Cell also i.e. through the Officer representing the protection of civil rights/Vigilance cell as the member of the Committee. The protection of Civil Rights/Vigilance Cell should investigate the social status claimed by the person by sending the Inspector of Police to the local place of residence of that person and where he/she usually resides or in case of migration, the town or city from which he/she originally hailed from. The Inspector should personally verify and collect all the facts about the community claim of the person or guardian of the parent, as the case may be.

As per the explanations submitted by the respondent himself, they migrated from Guntur to Hyderabad about 200 years back. Hence, local enquiry cannot be conducted at Guntur. Further, in respect of local place of residence, already local enquiry is conducted by the Tahsildar, Amberpet and a report is obtained.

- In view of all the above, the DLSC opined that ST Yanadi certificate issued by the Tahsildar, Amberpet in favour of Sri V.Chinna Muthyam, Record Assistant, Public Libraries, Ashok Nagar vide certificate No.C/797/1998, dated 17.03.1998 is liable for cancellation.

2. Aggrieved by the above cancellation orders of the Collector & District Magistrate, Hyderabad in the reference 1st read above, the Appellant Sri V.Chinna Muthyam, S/o: Late Muthaiah, Occ: Record Assistant Public Libraries, Chikkadpally, Hyderabad, has filed the Appeal petition under the Act 16 of 1993 and prayed the Government to allow his Appeal by setting aside order in Procs.No.C1/3056/2016, dated 13.01.2020 and also to grant stay of the proceedings pending disposal of the main Appeal. Gist of the Appeal grounds is as follows:

- i) The District Collector & District Magistrate without conducting proper enquiry passed impugned order.
- ii) As per the guidelines issued by the Hon'ble Supreme Court, constituting DLSC should be three members and one of them should have knowledge about CASTE and customs prevailed in their community, but the recommendations of the committee is against principles of natural justice.
- iii) Petitioner after rendering more than 25 years of service and about to reach superannuation, cancelling the caste certificate issued by the MRO at the fag end of his service is arbitrary.
- iv) Ought to have observed that the certificate issued by the MRO in the year 1998 was after conducting due verifications and enquiry with the local people, but relying on the recommendations of DLSC after passing of more than 20 years, is illegal and contrary to law.
- v) There is no personal enquiry by the Revenue Inspector about the claim of the petitioner, his parents who hailed from Guntur district of Andhra Pradesh – as such the order passed is arbitrary and contrary to law.

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- vi) The Commissioner of Tribal Welfare filed report suspecting existence of the Caste/Tribe and sent to DLSC, is arbitrary.
- vii) The District Collector ought to have considered the Supreme Court guidelines in **(Kumari Madhuri Patil and another appellant V Additional Commissioner, Tribal Development and other respondents (supra) AIR 1995 SUPREME COURT 94 in Civil Appeal No.5854 of 1994, the Supreme Court emphasized the importance of entries in school register)** cancelling the certificate once issued by the MRO who issued the same after due verifications and after conducting of local enquiry, as such the order passed by the learned district collector district magistrate needs to be set aside.

3. In the reference 3rd read above, Government, while admitting the appeal, the stay as prayed for has been rejected as there were no sufficient grounds. The District Collector, Hyderabad has been requested to furnish the original connected case records and para-wise remarks to Government.

4. Aggrieved on the orders in proceedings No.C1/3056/2016, dated 13.01.2020 of the Collector, Hyderabad District, the Appellant Sri V.Chinna Muthyam, S/o: Late Muthaiah, has also filed Writ Petition No.7399/2020 before the Hon'ble High Court for the State of Telangana at Hyderabad praying to stay all further proceedings No.C1/3056/2016, dated 13.01.2020, the respondent No.2 (Collector, Hyderabad District) till disposal of the Appeal before the Government.

5. The Hon'ble High Court while disposing the WP No.7399 of 2020 on 01.06.2020, granted stay of the operation of the order dated 13.01.2020 passed in C1/3056/2016 by the Collector, Hyderabad District and that the interim order will not preclude the Government from disposing of the appeal filed by the petitioner on merits.

6. The Appellant Sri V.Chinna Muthyam, S/o: Late Muthaiah has filed another WP No.15440 of 2020 against the rejection of interim stay in appeal vide Govt. Memo. No. 436/TW.LTR/200, dated 11.6.2020 pending before the respondent 1 (Government in Tribal Welfare Department), the Hon'ble High Court while disposing the said Writ Petition on 7.2.2023 directed the 1st respondent(Government) to dispose of the revision within a period of four (4) months and till such time the interim stay granted by the Hon'ble High Court on 11.9.2020 shall continue.

7. In the reference 6th read above, the Collector & District Magistrate, Hyderabad has furnished the record bearing file No.C1/3056/2016 along with para-wise remarks - gist of which is as follows:

- i) In letter Rc.No.1111/2016/TRI/TSV/VC-7, dated 07.3.2017, the Commissioner of Tribal Welfare informed that Sri V.Chinna Muthyam who attended for enquiry into his ST caste status before the Director, TCR&TI furnished genealogical and ethnographic information and also produced community certificate bearing No.C/797/98, dt.07.03.1998 issued by MRO Amberpet Mandal and Certificate bearing No.CND021606994970, dt.27.12.2016 issued by the Tahsildar, Uppal, Medchal District as belonging to ST Yenadis as documentary evidence in respect of his claim. The traditional habitation of Yanadi Tribe is Nellore, Chittoor, Guntur, Krishna, Kadapa and Prakasham Districts. Further, Sri V.Chinna Muthyam married Jalli Lakshmi D/o Jalli Chinna who is a native of Suryapet and his elder son Ventedhu Shiva married Singajogi Maheshwari D/o Singajogi Mallesh who is a native of Karimnagar which are not traditional habitats of Yanadi Tribes. Therefore, as there is prima facie doubt about the social status of Sri V.Chinna Muthyam, requested to cause detailed enquiry by placing the matter before the DLSC.
- ii) The Tahsildar, Amberpet in his Lr.No.C/483/17 dt.25.5.17 reported that the local people of Mandula Basthi, Bagh Amberpet who are all well known to the above person have informed that Sri V.Chinna Muthyam belongs to BC-A Mandula caste. The people having surname

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Votendula popularly belong to BC-A Mandula caste. Sri T.Narsing Rao, VRO of their office who resides near Mandula Basrthi, Amberpet is well known to him stated that he belongs to BC-A Mandula caste. His caste is mentioned in the ST record as ST Yanadi. Hence, the case was taken up for hearing before the DLSC as per the provisions of Act 16 of 1993 and rules thereunder.

- iii) That Sri V.Chinna Muthyam, Record Assistant has obtained ST Yanadi Certificate fraudulently and entered into Government service on the guise of the said certificate. Sri V.Chinna Muthyam, Record Assistant could not establish that his ancestors got migrated from Bapatla of Guntur District. The School record cannot be taken as a basis for determining the caste of an individual. A local enquiry conducted by the Tahsildar, Amberpet mandal also reveals that the candidate is belonging to BC-A Mandula community. Further, the committee opined that the points mentioned in the report of the Commissioner Tribal Welfare dt.7.3.2017 are found correct and no further documents are furnished by Sri V.Chinna Muthyam to substantiate his claim.
- iv) Thus, the DLSC stated that the ST Yanadi Caste Certificate bearing No.C/797/98, dt.17.03.1998 issued by the Mandal Revenue Officer, Amberpet Mandal to Sri V.Chinna Muthyam, Record Assistant is false, which has been fraudulently obtained with a malafide intention for availing reservation benefit and concluded on a decision to cancel the certificates.
- v) In view of the above findings of the DLSC, after following due procedure, orders were issued cancelling ST Yanadi Community Certificate issued by the Tahsildar, Amberpet bearing No.C/797/98, dt.17.03.1998 in favour of Sri V.Chinna Muthyam.
- vi) The judgement of the Hon'ble Supreme Court relating to the false certificate of Kum.Madhuri Patil Vs Govt. of Maharashtra, 1994 in Civil Appeal No.5854 was given on 2.9.1994. The Government in GO Ms.No.58, SW (J) Dept. dt.12.05.1997 have issued orders formulating AP (SCs, STs and BCs) Issue of Community, Nativity and Date of Birth Certificate Rules, 1997 and ordered to form District Level Scrutiny Committee under the Chairmanship of Joint Collector. Hence, the orders of the Supreme Court are complied.
- vii) As per Rule 8 (7) of the Rules, 1997 the scrutiny committee shall examine the report of enquiry conducted by the Revenue Department furnished to it by the competent authority. It may also obtain expert opinion from the Commissionerate of Social Welfare/Tribal Welfare through the officers of the research organizations of these commissionerates who are the members of the scrutiny committee, if deemed necessary". These enquiry reports may be compared and then recommendations of the scrutiny committee may be finalized as to whether the community claim of that applicant is found to be false or genuine".
- viii) As per the above sections, a local enquiry report is obtained from the Tahsildar and the Commissioner of Tribal Welfare vide Rc.No.1111/2016/TRI/TSV/VC-7, dated 07.03.2017 has informed that there is prima facie doubt about the social status of Sri V.Chinna Muthyam as belonging to Yanadi Tribe and requested to place the matter before the DLSC.
- ix) Since report is submitted by the Commissioner of Tribal Welfare, the contention of Sri V.Chinna Muthyam that the people who had investigated his case are not acquainted with the tribal customs, they cannot identify the tribes, tribal communities, is not correct.

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- x) As per the explanations submitted by himself, they have migrated from Guntur to Hyderabad about 200 years back. Hence, local enquiry cannot be conducted. Further, in respect of local place of residence, already local enquiry is conducted by the Tahsildar, Amberpet and a report is obtained.
- xi) As per section 6 of the Act 16/1993 of the Act – “where an application is made to the competent authority under Section 3 for the issue of a community certificate in respect of Scheduled castes, Scheduled Tribes or Backward Classes or in any enquiry conducted by the competent authority or the authority empowered to cancel the community certificate or the appellate authority under this Act or in any trial or offence, under this Act, the burden of proving that, he belongs to such caste, Tribe or class shall be on the claimant.”
- xii) As per the above provision under Section 7 of the 16/1993 Act, the petitioner herein could not establish or prove his claim that he belongs to ST-Yanadi community, in spite of giving ample opportunity and time.
- xiii) The Supreme Court order in Kumari Madhuri Patil and another Vs Additional Commissioner Tribal Development and other respondents (Civil Appeal No.5854 of 1994) has no relation to the case.
- xiv) In view of the facts submitted in the paras supra, the genealogical & ethnographical grounds of the case are essential among other things for determination of social status. The petitioner herein has not produced any documentary evidence in support of his claim to be belonging to ST-Yanadi tribe community and instead of producing genealogical and ethnographical proof of his claim, he has been repeatedly raising the same points which are not tenable.
- xv) The proceedings of cancellation bearing No.C1/3056/2016, dated 13.01.2020 issued by the respondent herein are self-explanatory. The orders were issued duly mentioning each and every document submitted by the petitioners in support of his claim and thereafter discussing all the facts and elaborating the findings on each aspect. Hence, the contentions raised by the petitioner are devoid of merits.

8. In the reference 7th read above, notices were issued to the appellant and all other concerned to attend for hearing on 29.09.2020 at 3.00 PM. Appellant and his counsel present. Counsel prayed for time for submission of written arguments. 10 days time granted. Counsel submitted written arguments on 6.10.2020. Gist of the same is as follows:

- i) The Jana Samkshema Sangam President K.Venkata Narayana is a SC candidate and he is a black-mailor, demanding lakhs of rupees from innocent persons and requesting not to believe his alleged, baseless, unanimous complaints/petitions.
- ii) Without any notice and without giving proper opportunity, the Commissioner of Tribal Welfare given one side report against him without examining witnesses of his side, only on the basis of the wrong complaint of K.Venkata Narayana, which is not binding on him and it is not a full-fledged report. His marriage was not criteria for determining his caste. He can marry from any caste, inter-caste marriages are to be encouraged by the Government.
- iii) The DLSC has also not conducted inquiry properly, which is also one sided, only the basis of complainant K.Venkata Narayana, and report submitted without examining any witnesses from his side and also without furnishing all necessary documents such as complaint. Tribal Welfare Commission report and any other alleged documents relied on for DLSC report.

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- iv) Erstwhile AP State was in existence and the caste certificate issued by the MROs was applicable to who State as he was migrated from present AP State, Nellore and Guntur Districts to Hyderabad, Telangana State. Now saying existence of ST Yanadi community is not in Telangana State, is immaterial. Sri K.Venkata Narayana, SC has no locus standi to give complaint about his appointment in the year 1999, as now he is at the edge of retirement after completion of 18 years service. Telangana State was formed on 2nd June, 2014, but his caste certificate was issued in the year 1999.
- v) Finding of the DLSC is not correct on the ground that the school records can be taken as a basis for determining the caste of individual like him. There is no malafide intention to obtain ST Yanadi certificate as the MRO only after thorough enquiry issued ST Yanadi caste certificate to him. Now, the present Tahsildar, Amberpet with the advice and black-mailing of the complainant K.Venkata Narayana, only given wrong remarks by saying he belongs to BC-A Mandula caste which is not correct – but the MRO is saying that the school records mentioned as ST Yanadi which is valid and binding on all the authorities including all the revenue officials and to Government and DLSC and District Collector concerned. V.Chinna Muthyam studied 8th class and passed on 31.05.1987.
- vi) The occupations and habits of Yanadis are changing from earlier days because of education. They are doing cultivation, agricultural labourers, labour work and also killing rats in the agricultural field to protect crops and fishing. Most of the Yanadi caste people plants, herbs, trees as medicines for snake biting, head-aches, other diseases then called them as Mandula Yanadi mentioned as per the detailed report of Yanadi-ST. Some of the Yanadies may convert as Christians. These person families called some areas as Mandula Yanadhies or Mandula 90% of Yanadis are Hindus. It can be seen and to yet information from web Yanadi community online.
- vii) The MRO followed the procedure prescribed for issuing the caste certificates to him the year 1998 i.e. entries in Birth Register, School records as ST Yanadi. As per the Apex Court judgement 1994 AIR SCW Page 4116 held that the entries in the school register, furnish great value to the declaration of the status of a caste.
- viii) They are moving from one place to another place for their livelihood and some of them doing Naatu Vaidyam depending on the trees, herbs, so they are called as Mandula Yanadi which is a ST caste. MRO, revenue officials issued the certificate after conducting enquiry by following Rules and the procedure suggested by the Supreme Court and the Act.
- ix) If any one opposes, opportunity to adduce evidence is to be given to him, after giving such opportunity then finding can be given. His parents obtained caste certificate as Yanadi. His forefathers migrated from Nellore District to Guntur District and then from Guntur District to Hyderabad District about 200 years back, they are not having any knowledge about their own origin in Nellore and Guntur districts. His father got the ST certificate and entered in school records from the admission time in school records. At this stage after completion of 18 years' service, it is not proper to reopen the matter and no need to conduct enquiry about his caste certificate (as per AIR 2001 SC 393, that 15 years passed after getting ST certificate in the case of Milind and practising as a doctor after passing MBBS in ST quota).
- x) The complaint filed by the said K.Venkata Narayana as belonging to the Jana Samkshema Sangham is reportedly a black-mailer and demanding huge amount for withdrawing the complaint – therefore, the concerned officers are not supposed to act on vexatious and malicious grounds.

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- xi) Enquiry by the Commissioner, Tribal Welfare, Hyderabad, was one sided, not done properly and till today the proceedings have not been furnished to me. Further the alleged local enquiry by the Tahsildar, Amberpet was an arm chair exercise and the contention that the Appellant belongs to BC-A Mandula community and that Vontedu is popularly known in Mandula community, is false, hence liable to be rejected.
- xii) The Hon'ble Supreme Court in Kumari Madhuri Patil Vs Government of Maharashtra, 1994 in Civil Appeal No.5854 has laid down that all the State Governments shall constitute a Committee of three officers namely (i) An Additional or Joint Secretary or any officer higher in rank to the Director of the concerned department, (ii) The Director, Social Welfare/Tribal Welfare/Backward Class Welfare, as the case may be and (iii) in the case of Scheduled Castes another officer who has intimate knowledge in the verification and issuance of social status certificates. In the case of Scheduled Tribes, the Research Officer who has intimate knowledge in identifying the tribes, tribal communities, parts of or groups of tribes or tribal communities. The people who had investigated his case are not acquainted with tribal customs, they cannot identify the tribes, tribal communities, parts of or groups of tribes or tribal communities, hence a grave injustice and irreparable loss caused to him and that he is an illiterate person and unaware of the procedures and moreover cannot understand the technical questions put forward to him.
- xiii) Appellant is a moderately educated person studied upto 8th class. In the year 1988, his parents applied for caste certificate and MRO Amberpet issued caste certificate after thorough enquiry which are genuine. He never misled the authorities and furnish information correctly to the authorities that his forefathers migrated from Nellore district to Guntur district and subsequently after some time migrated to Hyderabad about 200 years back and settled herein and we are not in touch with their community in Andhra area now.
- xiv) The show cause notice prima-facie is not maintainable either in law or on the basis of the facts for the following reasons:
- In pursuance of orders of the Hon'ble Supreme Court, the then State Government issued orders formulating Rules, 1997 in GO Ms.No.58, SW (J) dated 12th May 1997 – as per which a DLSC was constituted under the Chairmanship of Joint Collector. As per Rule No.5 of the said Rules, the procedure for verification is to be followed and as per Rule 5 (a), on receipt of the application, the competent authority or any officer authorized by him in this regard shall ensure that the applicant has furnished complete information in all the columns of Form I/II and; shall then give the acknowledgement slip as appended to Form I/II, in token of having received the application. The Competent Authority shall then verify the information/documents/evidence furnished by the applicant/parent/guardian in Form I/II. If the Competent Authority is satisfied with the correctness of the information/documents/evidence furnished by the applicant/parent/guardian, he shall issue the Community, Nativity and Date of Birth Certificates in Form III within 30 (thirty) days of the receipt of the application in Form I/II. The Competent Authority shall specify in Form III the sub-caste of the SC claimant and the sub-tribe/sub-group of the ST claimant as listed out in Annexure I appended to these Rules.

- xv) As per Rule 9, the DLSC has to follow the Rules 8 (d) (1) to (7) that it shall serve the notice in Form VI on the person involved in the case. Further as per Rule 9 (3) of the said Rules, it is mandatory upon the DLSC to investigate the social status claimed by the person by sending the Inspector of Police to the local place of residence of that person and where he/she usually resides or in case of migration, to the town or city from which he/she originally hailed from. The Inspector should personally verify and collect all the facts about the community claim of the person or the guardian or the parent, as the case may be. The same was not followed in his case. The DLSC has conducted the enquiry in a casual manner. The reason given in the said proceedings in point no.4 is vague and demonstrates the bias and casual manner in which the enquiry is conducted.
- xvi) As per Rule 8 (d) (5) the Scrutiny Committee shall examine the school records, birth registration certificates, if any, furnished by the persons during the enquiry. It may also examine any other person who may have knowledge of the community of the applicant. With reference to the claims of Scheduled Tribes, it may examine the anthropological and ethnological traits, deity, rituals, customs, mode of marriage, death ceremonies/method of burial of dead bodies etc. of that particular tribe, to finalize its recommendations to the Competent Authority. As the enquiry has been conducted on a vague complaint, the Scrutiny Committee should have taken steps to examine the anthropological and ethnological traits, deity, rituals, customs, etc. but it has not followed this rule and simply in a casual manner issued the report.
- xvii) The DLSC has committed a grave mistake by not taking into consideration that the Community Certificate bearing No.C/297/98, dated 17th March, 1998 was issued by the then MRO Amberpet was issued after following due process of law and the then MRO has followed all the steps as prescribed in Rule 5 of the Rules, 1997 and there is nothing mentioned against the said issuing authority and not an iota of doubt as raised by the DLSC whereas as per Rule 15 (c) it is incumbent upon the DLSC to consider the same.
- xiii) The authorities appointed him as Watchman on the basis of the school records mentioned as ST-Yanadi and caste certificate issued by the MRO after thorough enquiry in the year 1998 after getting convinced that he belongs to ST-Yanadi caste. The Hon'ble Supreme Court in Kum.Madhuri Patil Vs Govt. of Maharashtra 1994 in Civil Appeal NO.5854 and in para No.9 held as under:

"The entries in the school register preceding the Constitution do fresh great probative value to the declaration of the status of a caste, hierarchical caste stratification of Hindu social order has its reflection in all entries in the public records. What would, therefore, depict the caste status of the people inclusive of the school or college records, as the then census rules insisted upon. Undoubtedly, Hindu social order is based on hierarchy and caste was one of the predominant factors during pre-Constitution period. Unfortunately, instead of dissipating its incursion it is being needlessly accentuated, perpetrated and stratification is given legitimacy for selfish ends instead of being discouraged and put an end to by all measures, including administrative and legislative. Be it as it may, people are identified by their castes for one or the other is a reality. Therefore, it is no wonder that caste is reflected in relevant entries in the public records or school or college admission register at the relevant time and the certificates are issued on its basis."

(Contd...11)

- xix) Finding of that the people belonging to Yanadi tribe mostly are illiterate and hence the contention that he could not produce any documentary evidence that his ancestors migrated from Bapatla, Guntur District some 200 years back is ridiculous as very few people can produce any evidence dating 200 years back. Therefore, the rejection of his certificate on the basis of documentary evidence dating 200 years is illogical, illegal and against the principles of natural justice.
- xx) The Collector has failed to consider that the Commissioner, Tribal Welfare has given the report casually and that even on today very little information is available either in the form of books or on internet in respect of the Yanadi Tribe. The following websites furnish the limited information about the Yanadi Tribe:
- a) <https://en.wikipedia.org/wiki/Yenadis>
 - b) https://joshuaproject.net/people_groups/18339/IN
 - c) <https://peacefulsocieties.uncg.edu/societies/yanadi/>
 - d) <http://www.ipsnews.net/2018/08/yanadi-oopressed-indigenous-people-india-reclaiming-rights-one-village-time/>
 - e) ethnographic profile of yanadi tribe – Shodhganga.inflibnet.ac.in>bitstream>08_chapter_02

According to the websites the literacy rate is 14.78% among the Yanadis.

- xxi) Therefore, cancelling the certificate on the grounds of non-furnishing the documentary evidence about the migration some 200 years ago is unjust, and against the norms of accepted principles and natural justice.
- xxii) Therefore, the allegation that he has entered into Government service fraudulently in reservation point meant for ST is false and he is having statutory right of appeal etc. which he has already availed and therefore, request to stop any further action till he exhausts all the remedies available to him as per the Statute.
- xxiii) Under the above circumstances, he therefore, prays the Government to allow the Appeal by setting the impugned proceedings of 1st respondent in Proc.No.C1/3056/2016, dt.13.01.2020 and to pass such other order or orders as the Government may deem fit and proper in the circumstances of the case.

9. The Government have examined the evidences available on record establish that the Appellant has failed to submit any documentary evidences to establish that his parents migrated from Bapatla, Guntur District. Both the enquiries by the DLSC and the local enquiries revealed that the Appellant belongs to BC Mandula community. The traditional habitation of Yanadi Tribe is Nellore, Chittoor, Guntur, Krishna, Kadapa and Prakasham Districts. Sri V.Chinna Muthyam married Jalli Lakshmi who is native of Suryapet and his elder son Vontedhula Shiva married Singajogi Maheshwari of Karimnagar and that the surname Votendula is popularly belong to BC-A Mandula community as established through local enquiries made by the MRO Amberpet.

According to Section 6 of the Act 16/1993 and also as per Rule 6 of the Rules, 1997, the burden of proof heavily casts on the Appellant to prove his claim before the enquiring authorities – but he failed to do so. The authorities under the Act 16/1993 after conducting detailed inquiries in accordance with the provisions of the Act and the Rules made thereunder, have rightly arrived at the findings that the Appellant does not belong to ST Yanadi community.

(Contd...12)

10. Therefore, the appeal filed by Sri V.Chinna Muthyam, S/o: Late Muthaiah, Occ:Record Assistant Public Libraries, Chikkadpally, Hyderabad, is hereby DISMISSED upholding orders of the Collector & District Magistrate, Hyderabad in Procs.No.C1/3056/2016, dated 13.01.2020.

11. The Collector and District Magistrate, Hyderabad District shall take necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

Dr. CHRISTINA Z.CHONGTHU,
SECRETARY TO GOVERNMENT.

To

The Collector and District Magistrate, Hyderabad District (By RPAD)
Sri V.Chinna Muthyam, S/o: Late Muthaiah,
Occ: Record Assistant Public Libraries, Chikkadpally, Hyderabad,
R/o. H.No.3-60-112/1/B/1, Ram Reddy Nagar, Ramanthapur,
Hyderabad (By RPAD)

Copy to:-

The Revenue Divisional Officer, Amberpet Division, Hyderabad.
The Tehsildar, Amberpet Mandal, Hyderabad
Sri K. Venkatanrayana, State President, Jana Sankshema Sangam,
R/o. Amberpet, Hyderabad.
Sasi Bhushan Siddavaram & Associates,
H.No. 12-1-331/126, Dattatreya Colony, Asif Nagar,
Hyderabad-28. (Advocate for petitioner) (BRPAD)
The Commissioner of Tribal Welfare, TS, Hyderabad (for information)
The Director, TCR &TI, TS Hyderabad(for information)
The Government Pleader for Social Welfare, High Court Buildings, Hyderabad.
The P.S. to Minister for ST Welfare (for information)
The PS to Secretary to Govt. (TW)
The PA to Special Secretary to Govt.(TW)
SF/SC.

//FORWARDED::BY ORDER//

SECTION OFFICER.